

**State of California  
Office of Administrative Law**

**In re:**

**Department of Corrections and  
Rehabilitation**

**Regulatory Action:**

**Title 15, California Code of Regulations**

**Adopt sections:**

**Amend sections: 3044, 3190, 3315**

**Repeal sections:**

**NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE**

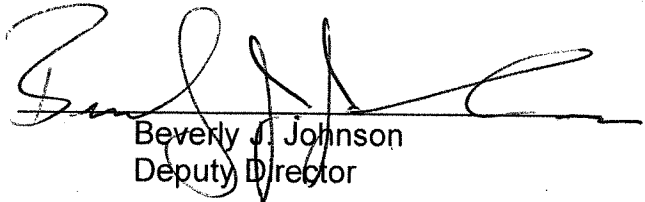
**Government Code Section 11349.1 and  
11349.6(d)**

**OAL File No. 2014-0616-06 C**

The California Department of Corrections and Rehabilitation submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1224-02E. That rulemaking amended sections 3044, 3190, and 3315 of Title 15 of the California Code of Regulations, which modified the personal property regulations and incorporated by reference a slightly modified version of the authorized personal property schedules.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

**Date: 7/22/2014**



Beverly J. Johnson  
Deputy Director

**For: DEBRA M. CORNEZ  
Director**

**Original: Jeffrey Beard  
Copy: Shelley Alarid**

**NOTICE PUBLICATION/REGULATIONS SUBMISSION****CERT**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE  
NUMBERS

NOTICE FILE NUMBER

Z-2014-0110-01

REGULATORY ACTION NUMBER

2014-0616-06C

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

ENDORSED FILED  
IN THE OFFICE OF

2014 JUL 22 PM 1:31

  
 DEBRA BOWEN  
 SECRETARY OF STATE

 2014 JUN 16 PM 4:44  
 OFFICE OF  
 ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections &amp; Rehabilitation

AGENCY FILE NUMBER (If any)

12-0086

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014 42		PUBLICATION DATE 1/24/2014

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Inmate Personal Property	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-1224-02 EON
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3044, 3190, 3315
	REPEAL
TITLE(S) 15	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code § 11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input type="checkbox"/> Print Only
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4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1)

4-29-2014 through 5-16-2014, 5-22-2014 through 6-6-2014.

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660) <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
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7. CONTACT PERSON

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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

6/11/14

TYPED NAME AND TITLE OF SIGNATORY

MARTIN HOSHINO, Undersecretary, Operations

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 22 2014

Office of Administrative Law

## **TEXT OF ADOPTED REGULATIONS**

### **California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole**

#### **Chapter 1, Rules and Regulations of Adult Operations and Programs**

#### **Article 3. Work and Education**

#### **3044. Inmate Work Groups.**

**Subsections 3044(a) through 3044(d)(2)(F) are unchanged.**

**Subsection 3044(d)(2)(G) was amended and approved as an emergency adoption to read:**

The receipt of four inmate packages, 30 pounds maximum weight each, per year. Inmates may also receive special purchases, as provided in subsections 3190(j) and (k).

**Subsections 3044(e) through 3044(e)(2)(F) are unchanged.**

**Subsection 3044(e)(2)(G) was amended and approved as an emergency adoption to read:**

The receipt of four inmate packages, 30 pounds maximum weight each, per year. Inmates may also receive special purchases, as provided in subsections 3190(j) and (k).

**Subsections 3044(f) through 3044(f)(2)(D) are unchanged.**

**Subsection 3044(f)(2)(E) was amended and approved as an emergency adoption to read:**

No inmate packages. Inmates may receive special purchases, as provided in subsections 3190(j) and (k).

**Subsections 3044(g) through 3044(g)(3)(D) are unchanged.**

**Subsection 3044(g)(3)(E) was amended and approved as an emergency adoption to read:**

The receipt of one inmate package, 30 pounds maximum weight each, per year. Inmates shall be eligible to acquire an inmate package after completion of one year of Privilege Group D assignment. Inmates may also receive special purchases, as provided in subsections 3190(j) and (k).

**Subsections 3044(h) through 3044(h)(2)(E) are unchanged.**

**Subsection 3044(h)(2)(F) was amended and approved as an emergency adoption to read:**

No inmate packages. Inmates may receive special purchases, as provided in subsections 3190(j) and (k).

Note: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224 (1988).

## **Subchapter 2. INMATE RESOURCES**

### **Article 9. Personal Property and Religious Personal Property**

#### **Section 3190. General Policy.**

**Subsection 3190(a) is unchanged.**

**Subsection 3190(b) was amended and approved as an emergency adoption to read:**

Specific items of personal and religious property shall be established by a consensus of individual facilities within the Division of Adult Institutions. An Authorized Personal Property Schedule, identifying a list of allowable property, not including religious property, shall be developed and updated no more frequently than twice yearly. Local facility exemptions to the property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

The Religious Personal Property Matrix (Revised 6/27/13) identifies a separate list of allowable personal religious property, and is incorporated by reference. The Religious Personal Property Matrix shall be developed and updated by the Wardens Advisory Group/Religious Review Committee no more frequently than twice yearly. Local exceptions to the Religious Personal Property Matrix shall also be identified. All changes to the Religious Personal Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

The following five property lists are incorporated by reference:

**Subsection 3190(b)(1) is amended to read:**

Authorized Personal Property Schedule - Reception Center Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Male Reception Center Housing.

**Subsection 3190(b)(2) is amended to read:**

Authorized Personal Property Schedule – General Population Levels I, II, and III Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Levels I, II, III Male Inmate Housing.

**Subsection 3190(b)(3) is amended to read:**

Authorized Personal Property Schedule - Level IV Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Level IV Male Inmate Housing.

**Subsection 3190(b)(4) is amended to read:**

Authorized Personal Property Schedule - Administrative Segregation Units (ASU) / Security Housing Units (SHU) / Psychiatric Services Units (PSU) Male Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate ASU/SHU/PSU Male Inmate Housing.

**Subsection 3190(b)(5) is amended to read:**

Authorized Personal Property Schedule - Female Inmates (Rev. 4/1/14). This personal property schedule applies to all facilities which operate Female Inmate Housing.

**Subsections 3190(c) through 3190(e) are unchanged.**

**Subsection 3190(f) was amended and approved as an emergency adoption to read:**

Inmates may acquire authorized inmate packages based upon their privilege group, pursuant to section 3044. Inmate packages shall be ordered by inmates or their correspondents via a departmentally-approved inmate package vendor. All packages shall be shipped to the inmate's institution/facility by the departmentally-approved vendor in a sealed container. Inmate packages, not including special purchases, are limited to a 30-pound maximum weight limit and maximum dimensions of 24" x 24" x 24".

**Subsections 3190(g) through 3190(i) are unchanged.**

**Subsection 3190(j) was amended and approved as an emergency adoption to read:**

Inmates shall be allowed special purchases of authorized personal property items from either departmentally-approved inmate package vendors or locally-approved special purchase vendors (except as provided for publications (including books and subscriptions to periodicals) in subsections 3190(j)(2) and 3190(j)(7)). The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates who qualify. Special purchases shall only include the following:

**Subsections 3190(j)(1) through 3190(j)(5) are unchanged.**

**Subsection 3190(j)(6) is amended to read:**

(6) Entertainment Appliances, Headphones/Earbuds and Musical Instruments, subject to qualifying privilege group and/or security level/institution mission.

**Subsections 3190(j)(7) through 3190(k) are unchanged.**

**Subsection 3190(k)(1) was amended and approved as an emergency adoption to read:**

(1) Inmates assigned to Privilege Groups A or B may possess up to three approved appliances in their quarters/living area, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46" x 24" x 12" may be substituted as one of the three appliances.

**Subsection 3190(k)(2) is amended to read:**

(2) Inmates assigned to Privilege Group C may not possess entertainment appliances and/or a musical instrument. Inmates placed on Privilege Group C pursuant to a disciplinary action pursuant to subsection 3315(f)(5)(C), shall have the disallowed property stored until which time the placement is affirmed by a classification committee. Upon placement in Privilege Group C by the classification committee, the inmate shall be afforded the allowable property identified in the APPS for Privilege Group C and will be required to dispose of the non-allowable property in accordance with subsection 3191(c).

**Subsection 3190(k)(3) was amended and approved as an emergency adoption to read:**

(3) Inmates assigned to Administrative Segregation Unit/Security Housing Unit/Psychiatric Services Unit (ASU/SHU/PSU) may possess or acquire one television or one radio or one television/radio combination unit, through the Special Purchase process, facility physical plant limitations permitting, and shall not exceed the six cubic feet maximum limitation. Inmates assigned to ASU are authorized one entertainment appliance. Inmates assigned to SHU/PSU are authorized two entertainment appliances. Eligibility to possess an entertainment appliance commences on the date of Privilege Group D assignment. An inmate who is deemed to be a program failure, as defined in section 3000, based on conduct while in the ASU/SHU/PSU, shall have his or her entertainment appliance disposed of in accordance with subsection 3191(c). An inmate who has not been deemed a program failure, but who is found guilty of any Rules Violation Report based on conduct while in the ASU/SHU/PSU, is subject to temporary loss of the entertainment appliance as follows: (1) thirty days for the first offense; (2) sixty days for the second offense; and (3) ninety days for the third and subsequent offenses. Inmates assigned to Privilege Group D shall not possess a musical instrument.

**Subsections 3190(k)(4) through 3190(n) are unchanged.**

**Subsection 3190(o) is amended to read:**

Inmate correspondents shall be permitted to purchase appliances for qualifying inmates, including health care appliances, Entertainment Appliances, Headphones/Earbuds and Musical Instruments, from either a departmentally-approved inmate package vendor or a locally-approved special purchase vendor, pursuant to section 3044.

**Subsections 3190(p) through 3190(q) are unchanged.**

**Subsection 3190(r) was amended and approved as an emergency adoption to read:**

The amount charged an inmate for a special purchase or inmate package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. Exception: The 10% service charge shall not be added to purchases of health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.

**Subsections 3190(s) through 3190(u) are unchanged.**

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

**Subchapter 4. GENERAL INSTITUTION REGULATIONS**

**Article 5. Inmate Discipline**

**Section 3315 Serious Rule Violations.**

**Subsections 3315(a) through 3315(f)(5)(K) are unchanged.**

**Subsection 3315(f)(5)(K)(1) was amended and approved as an emergency adoption to read:**

First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, inmate packages, telephone privileges, and personal property.

**Subsection 3315(f)(5)(K)(2) was amended and approved as an emergency adoption to read:**

Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, inmate packages, telephone privileges, and personal property.

**Subsection 3315(f)(5)(L) was amended and approved as an emergency adoption to read:**

Inmates placed in ASU, SHU, PSU, Privilege Group D, who are deemed to be program failures, as defined in section 3000, based on conduct while in the ASU/SHU/PSU, shall have their entertainment appliance disposed of in accordance with subsection 3191(c). Inmates who are not deemed to be program failures, but who are found guilty of any RVR per this section based on their conduct while in the ASU/SHU/PSU, are subject to temporary loss of their entertainment appliances as follows:

**Subsection 3315(f)(5)(L)(1) through 3315(f)(5)(L)(2) are unchanged.**

**Subsection 3315(f)(5)(L)(3) was amended and approved as an emergency adoption to read:**

Ninety days for the third and subsequent offenses.

**Subsection 3315(f)(5)(M) is unchanged.**

**Subsection 3315(f)(5)(M)(1) was amended and approved as an emergency adoption to read:**

First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, inmate packages, telephone privileges, and personal property.

**Subsection 3315(f)(5)(M)(2) was amended and approved as an emergency adoption to read:**

Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, inmate packages, telephone privileges, and personal property.

**Subsection 3315(f)(5)(N) is unchanged.**

**Subsection 3315(f)(5)(N)(1) was amended and approved as an emergency adoption to read:**

First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, inmate packages, telephone privileges, and personal property.

**Subsection 3315(f)(5)(N)(2) was amended and approved as an emergency adoption to read:**

Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, inmate packages, telephone privileges, and personal property, and referral to a classification committee for review and determination for program failure. An inmate who is deemed a program failure by a classification committee is subject to having his/her personal property/appliances disposed of in accordance with departmental procedure.

**Subsections 3315(f)(5)(O) through 3315(g) are unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 295-300.3, 314, 530, 532, 646.9, 647, 653m, 2931, 2932, 2933, 4501.1, 4573.6, 5054, 5068 and 12020, Penal Code.